

# CROSS BORDER TRANSACTIONS & WITHHOLDING TAX

Date	Venue	Event Code
17 January 2018	Pullman Hotel, Kuching	18WS/012
25 January 2018	Hotel Jen, Penang	18WS/013
8 February 2018	Ramada Plaza Melaka	18WS/014
12 March 2018	Mutiara Hotel, Johor Bahru	18WS/017
15 March 2018	Promenade Hotel, Kota Kinabalu	18WS/018
19 March 2018	Sheraton Imperial Kuala Lumpur	18WS/016
5 April 2018	Weil Hotel, Ipoh	18WS/015

**Time :** 9.00am to 5.00pm

## Introduction

The tax issues connected to cross border transactions can be complicated. These include withholding tax implications, tax treatment of "foreign source income" and the related expenses and the consequences of sales of assets between controlled parties, to name a few. This workshop will take the participants to a detailed discussion of the important areas to be considered to ensure that the tax affairs of the relevant parties engaged in cross border transactions are adequately addressed.

Cross border transactions encompass transfer of goods, services, capital, and technology. It is possible that more than one country has a taxation claim on income from such transactions. As a consequence, the same income may be taxed twice i.e. Economic Double Taxation Occurs. As such, Double Taxation Agreements play an important role in managing numerous issues.

- Taxation issues for outbound and inbound investments
- Rules on the derivation of Malaysian income
- Special Classes of Income under Section 4A of the Income Tax Act, 1967
- Section 109B vs Section 107A of Income Tax Act, 1967 - how it is applied in practice
- Withholding tax and permanent establishment considerations
- Determination of Permanent Establishments and the income tax implications
- Steps to determine if income remitted to Malaysia is foreign or Malaysian sourced
- Tax treatment of cross border sales / purchases of assets
- The OECD Model Treaty - a discussion
- Double Taxation agreements
- Avoidance of double taxation
- Tax havens and overseas holding company structures
- Anti-avoidance issues
- Case studies

## Objectives of Tax Treaties (Double Taxation Agreements)

### Primary Objectives

- Avoidance of Double Taxation
- Prevention of Fiscal Evasion

### Secondary Objectives

- Promote international trade
- Create certainty and tax stability
- Provide mechanism for resolution of international disputes
- Promote tax incentives by the developing countries
- Allocate taxing rights between contracting states
- Prevent tax discrimination

The Speaker will share his vast experience and knowledge of the factors that need to be considered in ascertaining the Malaysian taxation implications arising as a result of engaging in cross border transactions.

## Speaker's Profile

Harvinder Singh is a Fellow of the Chartered Association of Certified Accountants and is a member of the Malaysian Institute of Accountants (MIA) as well as the Chartered Tax Institute of Malaysia (CTIM). Harvinder was attached to the firms of Pricewaterhouse Coopers and Ernst & Young as a tax consultant and is currently the Managing Partner of Harvey & Associates, a boutique firm that specialises in taxation consulting services as well as a Partner in SCS Global Consulting (M) Sdn Bhd. He has more than 20 years of experience in the field of taxation. He is currently serving as the Chairman of the Editorial Board of the Budget Commentary and Tax Information Booklet which is produced jointly by MIA, CTIM and the Malaysian Institute of Certified Public Accountants. Harvinder has extensive experience in taxation advisory, transfer pricing documentation preparation, tax planning as well as tax audits and investigations and he serves as a tax consultant to various MNEs and other organisations.

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### \*Registration Fees


<input type="checkbox"/> CTIM/ACCA Member	<b>Outstation</b> RM371.00	<b>Klang Valley</b> RM424.00
<input type="checkbox"/> Member's Firm Staff	RM477.00	RM530.00
<input type="checkbox"/> Non-Member	RM530.00	RM636.00

\* The above registration fees are inclusive of 6% GST

- \* Seats are limited and based on first-come, first-served basis
- \* Registration of participants will be confirmed upon registration, receipt of full payment or an acceptable employers guarantee and settlement of previous outstanding dues.
- \* All outstanding payment must be received on or prior to the date of the event for participants to be allowed to attend. The institute reserves the right to cancel the registration if no payment is received prior to or on the date of the event.
- \* Walk-in participant registration and attendance is subject to availability of seats and full payment.
- \* Certificate of attendance will only be released upon participant signing the attendance register before 10.30am, full attendance and after completion of the event.

### Enquiries

 Tel: 03-2162 8989  
 Fax: 03-2161 3207  
 03-2162 8990  
 Email: cpd@ctim.org.my

 B-13-1, Block B, Level 13, Unit 1,  
 Megan Avenue II,  
 No 12, Jalan Yap Kwan Seng,  
 50450 Kuala Lumpur

### Contact Person:

*For Klang Valley events:*  
 Ms Yus (ext 121 / yusfariza@ctim.org.my)  
 Ms Jaslina (ext 131 / jaslina@ctim.org.my)  
*For Outstation events:*  
 Mr Jason (ext 108/ jason@ctim.org.my)  
 Ms Ramya (ext 119 / ramya@ctim.org.my)  
*General enquiries:*  
 Ms Ally (ext 123 / ally@ctim.org.my)

Please tick the relevant boxes

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<input type="checkbox"/> 12 March 2018	Mutiara Hotel, Johor Bahru		

### Participant's Contact Details

Full Name : \_\_\_\_\_ Company : \_\_\_\_\_  
 I/C Number : \_\_\_\_\_ Designation : \_\_\_\_\_  
 CTIM/ACCA Membership No : \_\_\_\_\_ Tel : \_\_\_\_\_  
 Company Address : \_\_\_\_\_ Fax : \_\_\_\_\_  
 \_\_\_\_\_ Email : \_\_\_\_\_  
 Vegetarian \_\_\_\_\_ Mobile : \_\_\_\_\_

### Payment Method

Online Payment via JomPAY



Billor Code: 21790  
 Ref-1: Event Code  
 Ref-2: Mobile Number

JomPAY online at Internet and Mobile Banking with your Current, Savings or Credit Card account

Cash for Amount of RM \_\_\_\_\_

Cheque No. \_\_\_\_\_

For Amount of RM \_\_\_\_\_

\*All cheque should be made payable to "CTIM-CPE"

MASTER / VISA Credit Card

For amount of RM \_\_\_\_\_

Card No

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Expiry Date

Authorised Signature

(month/year)

Cardholder's Name ( as per credit card )

### Replacements

Please note registrations for the event are not interchangeable but replacements are acceptable. Please notify us at least three days prior to the event if you intend to send a replacement. CPD points will be allocated to the designated attendee. If the replacement is not a Member but a Member's Firm Staff or Non-Member, the appropriate fees will apply.

### Cancellations

The Chartered Tax Institute of Malaysia must receive cancellations in writing five working days prior to the event. Refund amount is subject to deduction of administration and finance charges. No refund will be given for cancellations received within less than five working days of the event.

### Confirmation of Registration

The confirmation letter will be emailed 5 days before the commencement of the event upon receipt of full payment. In the event you do not receive the confirmation letter 5 days before the event, please contact us immediately.

### Disclaimer

The Organiser reserves the right to change the speaker, date, venue or to cancel the event if the number of participants is less than 20. A minimum of 3 days notice will be given.

### Recording

Video / Sound recording is strictly prohibited.